



SUSANA MARTINEZ  
Governor

JOHN A. SANCHEZ  
Lt. Governor

## NEW MEXICO ENVIRONMENT DEPARTMENT

Harold Runnels Building  
1190 South St. Francis Drive (87505)  
P.O. Box 5469, Santa Fe, NM 87502-5469  
Phone (505) 827-0187 Fax (505) 827-0160  
[www.env.nm.gov](http://www.env.nm.gov)



BUTCH TONGATE  
Cabinet Secretary

J. C. BORREGO  
Deputy Secretary

### **Certified Mail – Return Receipt Requested**

June 1, 2018

Mesilla Valley Aircraft LLC  
9300 Zia Blvd.,  
Las Cruces, NM 88007

**Re: Mesilla Valley Aircraft LLC/ Las Cruces International Airport; MSGP; SIC 4581; NPDES Compliance Evaluation Inspection; NPDES# NMU001968; May 2, 2018**

Dear Sirs:

Enclosed please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Further explanations and problems noted during this inspection are discussed on the inspection report.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Robert Houston  
US Environmental Protection Agency, Suite 1200  
Enforcement Branch (6EN-WS)  
1445 Ross Avenue  
Dallas, Texas 75202-2733

Sarah Holcomb, Program Manager  
New Mexico Environment Department  
Surface Water Quality Bureau  
Point Source Regulation Section  
P.O. Box 5469  
Santa Fe, New Mexico 87502

If you have any questions about this inspection report, please contact Jennifer Foote at (505)827-0596 or at Jennifer.Foote@state.nm.us.

Sincerely,

*/s/ Sarah Holcomb*

Sarah Holcomb  
Program Manager  
Point Source Regulation Section  
Surface Water Quality Bureau

cc: Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail  
David Long, USEPA (6EN-WM) by e-mail  
Nancy Williams, USEPA (6EN-WC) by e-mail  
Amy Andrews, USEPA (6EN-WM) by e-mail  
David Esparza, USEPA (6EN-WM) by e-mail  
Robert Houston, USEPA (6EN)  
Darlene Whitten-Hill, USEPA (6EN) by e-mail  
Michael Kesler, NMED District III by e-mail  
Peter Bennett, City of Las Cruces by e-mail



Form Approved  
OMB No. 2040-0003  
Approval Expires 7-31-85

## NPDES Compliance Inspection Report

### Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5 3 N M U 0 0 1 9 6 8 11 12 1 8 0 5 0 2 17 18 ~ 19 S 20					
Remarks					
S E C T O R S A I R T R A N S P O R T A T I O N					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 69	70 2	71 N 72 N 73 74 75 80			

### Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) Las Cruces International Airport, 8990 Zia Boulevard, Las Cruces, NM	Entry Time /Date 1:20 pm 5/2/18	Permit Effective Date 6-4-2015
I10 Exit 132 West of Las Cruces, North to Terminal Dona Ana County	Exit Time/Date 9:20 am 5/3/18	Permit Expiration Date 6-4-2020
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Lori Romero/Administrative Assistant/505-541-2471 Josh Garcia/ Airfield Maintenance/505-541-2471	Other Facility Data SIC CODE: 4581 Airports, Flying Fields, and Airport Terminal Services	
Name, Address of Responsible Official/Title/Phone and Fax Number Mesilla Valley Aircraft LLC 9300 Zia Blvd., Las Cruces, NM 88007	Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

### Section C: Areas Evaluated During Inspection (S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U Permit	N Flow Measurement	N Operations & Maintenance	N CSO/SSO
N Records/Reports	N Self-Monitoring Program	N Sludge Handling/Disposal	N Pollution Prevention
N Facility Site Review	N Compliance Schedules	N Pretreatment	N Multimedia
N Effluent/Receiving Waters	N Laboratory	N Storm Water	N Other:

### Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

1. The Inspector arrived on site at 1:20PM on May 2, 2018 accompanied by Peter Bennett and Jacob Kidd from City of Las Cruces, and met with Ms. Lori Romero, where the purpose of the inspection was explained and credentials presented. Ms. Romero explained that the Manager was out of town and that the maintenance crew would be back at 6 am. The inspectors reviewed the onsite SWPPP documents, and the inspectors returned the next morning at 7 am to tour the site and to meet with Mr. Josh Garcia. They also briefly met with a staff member from Francis Aviation. No one answered the door at Southwest Aviation. An exit interview was conducted with Mr. Garcia to discuss the preliminary findings of this inspection at approximately 9:00 am.
2. See attached report for findings and comments.

Name(s) and Signature(s) of Inspector(s) Jennifer Foote /s/ Jennifer Foote	Agency/Office/Telephone/Fax NMED/SWQB 505-827-0596	Date 5/31/18
Signature of Management QA Reviewer Sarah Holcomb, Program Manager /s/ Sarah Holcomb	Agency/Office/Phone and Fax Numbers NMED/SWQB 505-827-2798	Date 5/31/18

**Mesilla Valley Aircraft/Las Cruces International Airport**  
**Compliance Evaluation Inspection**  
**NPDES Permit No. NMU001967**  
**May 2-3, 2018**  
**Further Explanations**

### **Introduction**

On May 2-3, 2018, a Compliance Evaluation Inspection (CEI) was conducted by Jennifer Foote of the State of New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB), accompanied by Jacob Kidd and Peter Bennett, both of City of Las Cruces, at Las Cruces International Airport. The purpose of this inspection was to document the facility's status regarding the National Pollutant Discharge Elimination System (NPDES) permit requirements for stormwater discharges associated with industrial activity under 40 Code of Federal Regulations (CFR) 122.26 and U.S. Environmental Protection Agency (USEPA) industrial stormwater Multi-Sector General Permit (MSGP). Las Cruces International Airport is classified as Airports, Flying Fields, and Airport Terminal Services (see Standard Industrial Classification [SIC] code 4581) that meets the description in Sector S of the MSGP. Storm water may discharge from the facility into an unnamed arroyo to Natzinger Arroyo thence to Rio Grande Segment 20.6.4.101 of the State of New Mexico Standards for Interstate and Intrastate Surface Waters, New Mexico Administrative Code (NMAC). Designated uses are irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat, and primary contact.

The NMED performs a certain number of inspections for the U.S. Environmental Protection Agency (USEPA), Region VI, under the NPDES permit program, in accordance with the federal Clean Water Act. USEPA uses these inspections to determine compliance with the NPDES permit program. This inspection report is based on information provided by the permittee's representatives, observations made by NMED staff, and records and reports kept by the permittee and/or NMED.

### **Inspection Details**

Upon arrival at approximately 1:20 pm on May 2, 2018, Ms. Foote made introductions, presented credentials to Ms. Lori Romero (Las Cruces International Airport staff) and discussed the purpose of the inspection. The inspectors reviewed the onsite SWPPP documents, and the inspectors returned the next morning at 7 am to tour the site and to meet with Mr. Josh Garcia (Las Cruces International Airport staff). Following the tour, an exit interview was conducted on site with Mr. Garcia. The inspectors left the facility at approximately 9 am on May 3, 2018. A follow up email was sent to Ms. Lisa Murphy the Las Cruces International Airport Manager.

### **Federal Clean Water Act (CWA) and Industrial Stormwater Permit Requirements**

Section 301 (a) of the Federal Water Pollution Control Act states that *"Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."* Federal regulations in 40 CFR Part 122.21(a) Duty to apply (1) states: *"Any person who discharges or proposes to discharge pollutants...must submit a complete application to the Director in accordance with this section and part 124 of this chapter."*

Eleven (11) categories of stormwater discharges associated with industrial activity are identified in 40CFR 122.26(b)(14)(i)-(xi) that require coverage under an NPDES permit. Industrial stormwater has been regulated since the promulgation of USEPA's 1990 stormwater regulations, which established NPDES permit requirements for "stormwater discharges associated with industrial activity." USEPA's first MSGP for stormwater discharges associated with industrial activity was published on September 29, 1995 (Federal Register Volume 60, No. 189 on Friday 29, 1995, page 50953), and has since been reissued in 2000, 2008 and 2015. USEPA 2015 MSGP was re-issued effective June 4, 2015 (Federal Register/Vol. 80, No. 115/Tuesday, June 16, 2015 pg. 34403).

Part 8.S.3.1 of the Permit discusses sector specific Permit coverage and submittal of NOIs. *"Where an airport transportation facility has multiple industrial operators that discharge stormwater, each individual operator must obtain coverage under an NPDES stormwater permit. To obtain coverage under the MSGP, all such operators must meet the eligibility requirements in Part 1 and must submit an NOI, per Part 1.2.1.1 (or, if appropriate, a no exposure certification per Part 1.4)."*

### **Findings**

The operation does not have NPDES permit coverage or a no exposure certification. Each entity conducting business (SIC codes 4512-4581) on airport property must either have permit coverage or a no exposure certification per Part 1.4 of the permit. Las Cruces International Airport currently has a SWPPP that covers

permittees: Las Cruces International Airport, Southwest Aviation, and Francis Aviation. In addition, the SWPPP describes several tenants who may be conducting industrial activities under shelter such as Mesilla Valley Aviation and Southwest Med Evac/Native Air (now Air Methods dba Native Air).

An industrial facility with its industrial materials and activities protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff is eligible for an exemption from NPDES industrial stormwater permit requirements. A no exposure certification must be provided to the permitting authority for each facility qualifying for the permitting exclusion. To retain the exclusion, you must recertify the condition with the permitting authority at least every five years. Additional information can be found at: <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities#exclusion>.